

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: Löbig, Norbert

Title: METHOD FOR SWITCHING A SUBSCRIBER SET FROM A FIRST
TELECOMMUNICATION NETWORK TO A SECOND
TELECOMMUNICATION NETWORK

Appl. No.: 09/786,527

International Filing
Date: 09/03/1999
371 (c) Date: 03/05/2001

Examiner: Tang, Karen C.

Art Unit: 2451

Confirmation No.: 1420

Mail Stop – **REPLY BRIEF – PATENTS**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF UNDER 37 C.F.R. § 1.193(b)(1)

In reply to the October 28, 2008 Examiner's Answer (hereinafter referred to as the "Examiner's Answer") to the Appellant's Appeal Brief (hereinafter referred to as the "Appeal Brief"), the following remarks are submitted.

ARGUMENT

I. The Local Exchange Is Materially Different Than Emery's Visiting Location Register ("VLR")

The Examiner states "Appellant's 'local exchange' is [an] element which connects the subscribers to telecommunication networks. Similarly, Emery's 'local exchange' (VLR) connects the subscriber to the telecommunication networks and is capable to connect the subscriber to different telecommunication network (see switch users from one MSC to a different MSC, Col 5, Lines 12-15, Col 5, Lines 23-23)." (Examiner's Answer, page 10).

The Appellants respectfully disagree with the Examiner's position because a VLR is a database which is used by the mobile network to temporarily hold profiles of roaming users (e.g., users outside their home area). (Office Action Response dated March 7, 2008, page 18). The VLR (e.g., a database) is materially different than a local exchange because a local exchange provides a central point for the termination of lines and trunks and is used to connect subscriber local loops to network trunks in a fixed network system. (Office Action Response dated March 7, 2008, page 17).

Accordingly, for the foregoing reasons, and for those reasons stated in Appellants' Appeal Brief, Appellants submit that the Examiner has failed to establish a *prima facie* case of obviousness with respect to independent Claims 23 and 32. Appellants respectfully request that the Board reverse the rejections of independent Claims 23 and 32, and corresponding dependent Claims 24-29, 31, 33-37, 39-40, and 43-46.

II. The Connection Point Is Materially Different Than Emery's Signal Transfer Point ("STP")

The Examiner states "Appellant's 'connection point' is [an] element which connects the first telecommunication networks to a second telecommunication network. Emery's 'connection point' (STP), connects the first telecommunication networks to a second telecommunication network (see STP, 31, Fig 2 and Col 11, Lines 45-55)." (Examiner's Answer, page 12).

The Appellants respectfully disagree with the Examiner's position because the STP of Emery et al. is unable to interconnect the payload (e.g., voice data). The STP of Emery et al. is materially different than the connection point limitation because the connection point has to interconnect the telecommunication networks with respect to signaling and payload which cannot be accomplished by the Emery et al. reference. The claim limitation routes calls between exchanges and networks, not only call signaling. For example, if a subscriber is disconnected from the first network and connected to the second network, call signaling and payload have to be exchanged for calls for this subscriber originating in the first network.

Accordingly, for the foregoing reasons, and for those reasons stated in Appellants' Appeal Brief, Appellants submit that the Examiner has failed to establish a *prima facie* case of obviousness with respect to independent Claims 23 and 32. Appellants respectfully request that the Board reverse the rejections of independent Claims 23 and 32, and corresponding dependent Claims 24-29, 31, 33-37, 39-40, and 43-46.

III. The Primary Routing Information Is Materially Different Than Emery's Disclosure Of Mobile Communication Principles

The Examiner states “[c]ontrary to appellant’s allegation, Emery discloses the primary routing information (current location, refer to Col 5, Lines 1-22). As indicated above (1) and (2) that the claim language by appellant are broad and is reasonable for one of ordinary skill in the art to interpret the claim languages with broadest meaning e.g., ‘telecommunication’ is not limited to only fix network and the ‘local exchange’ is not limited to only fixed network.” (Examiner’s Answer, page 12).

The Appellants respectfully disagree with the Examiner’s position because a system with a local exchange would be interpreted by one of ordinary skill in the art as a fixed network system. Therefore, the disclosure of the mobile communication principles (e.g., HLR, VLR, MSC) in Emery et al. does not disclose, teach, or suggest the primary routing information in a fixed network system.

Accordingly, for the foregoing reasons, and for those reasons stated in Appellants’ Appeal Brief, Appellants submit that the Examiner has failed to establish a *prima facie* case of obviousness with respect to independent Claims 23 and 32. Appellants respectfully request that the Board reverse the rejections of independent Claims 23 and 32, and corresponding dependent Claims 24-29, 31, 33-37, 39-40, and 43-46.

IV. Emery Does Not Disclose, Teach, or Suggest Disconnecting Of The Subscriber In A Fixed Network System

The Examiner states “[a]s indicated in (3) the telecommunication as being claim is broad and does not explicitly limit the claim to ‘only’ the fixed network.” (Examiner’s Answer, page 13). The Examiner’s position is that Emery et al. also discloses the disconnecting of the subscriber at col. 5, lines 23-45, which is a discussion of roaming on a mobile network. (Office Action dated January 8, 2008, page 6).

The Appellants respectfully disagree with the Examiner’s position because the cited sections deal with roaming on a mobile network. The Appellants respectfully submit that a system with a local exchange would be interpreted by one of ordinary skill in the art as a fixed network system. Therefore, the disclosure of roaming on a mobile network in Emery et al. does not disclose, teach, or suggest disconnecting of the subscriber in a fixed network system.

Accordingly, for the foregoing reasons, and for those reasons stated in Appellants’ Appeal Brief, Appellants submit that the Examiner has failed to establish a *prima facie* case of obviousness with respect to independent Claims 23 and 32. Appellants respectfully request that the Board reverse the rejections of independent Claims 23 and 32, and corresponding dependent Claims 24-29, 31, 33-37, 39-40, and 43-46.

V. Emery Does Not Disclose, Teach, or Suggest Connecting The Subscriber In A Fixed Network System

The Examiner states “[a]ny person of ordinary skill in the art would realize that the subscriber is connecting to a different network while it is in ‘roaming’ (see Col 15, Lines 23-23, Col 20, Lines 14-25).” (Examiner’s Answer, page 13). The Examiner’s position is that Emery et al. also discloses the connecting of the subscriber at col. 5, lines 23-45, which is a discussion of roaming on a mobile network. (Office Action dated January 8, 2008, page 6).

The Appellants respectfully disagree with the Examiner’s position because the cited sections deal with roaming on a mobile network. The Appellants respectfully submit that a system with a local exchange would be interpreted by one of ordinary skill in the art as a fixed network system. Therefore, the disclosure of roaming on a mobile network in Emery et al. does not disclose, teach, or suggest connecting of the subscriber in a fixed network system.

Accordingly, for the foregoing reasons, and for those reasons stated in Appellants’ Appeal Brief, Appellants submit that the Examiner has failed to establish a *prima facie* case of obviousness with respect to independent Claims 23 and 32. Appellants respectfully request that the Board reverse the rejections of independent Claims 23 and 32, and corresponding dependent Claims 24-29, 31, 33-37, 39-40, and 43-46.

VI. The Akinwale Reference Is Not Relevant

The Examiner states “Akinwale, analogous art disclosed: ‘disconnecting electrically the subscriber line of the subscriber station from the first local exchange (terminating the subscriber line from the switch/local exchange, refer to Col 6, Lines 50-60, and Col 5, Lines 30-35); and connecting electrically the subscriber line of the subscriber station to the second local exchange (connecting the subscriber to the new switch/local exchange, refer to Col 6, lines 50-67 and Col 7, Lines 1-15 and Col 5, Lines 30-35).” (Examiner’s Answer, page 13).

The Appellants respectfully disagree with the Examiner’s position because of the limitation to operator assistance in Akinwale.

Accordingly, for the foregoing reasons, and for those reasons stated in Appellants’ Appeal Brief, Appellants submit that the Examiner has failed to establish a *prima facie* case of obviousness with respect to independent Claims 23 and 32. Appellants respectfully request that the Board reverse the rejections of independent Claims 23 and 32, and corresponding dependent Claims 24-29, 31, 33-37, 39-40, and 43-46.

CONCLUSION

In view of the foregoing, Appellants submit that Claims 23-29, 31-37, 39-40, and 43-46 are not properly rejected with respect to 35 U.S.C. § 112 and the cited references under 35 U.S.C. §103(a). Accordingly, it is respectfully requested that the Board reverse the claim rejections for Claims 23-29, 31-37, 39-40, and 43-46.

Respectfully submitted,

Date 12/23/08

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 297-5770
Facsimile: (414) 297-4900

By James G. Morrow

James G. Morrow
Attorney for the Applicants
Registration No. 32,505